

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 732
89TH GENERAL ASSEMBLY

Reported from the Committee on Professional Registration & Licensing, April 9, 1998, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 732 Do Pass by Consent.
ANNE C. WALKER, Chief Clerk
L3064.03C

AN ACT

To repeal sections 337.010, 337.025 and 337.033, RSMo 1994, and sections 337.020, 337.021, 337.029 and 337.045, RSMo Supp. 1997, relating to the regulations and licensing of psychologists, and to enact in lieu thereof seven new sections relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 337.010, 337.025 and 337.033, RSMo 1994, and sections 337.020, 337.021, 337.029 and 337.045, RSMo Supp. 1997, are repealed and seven new sections enacted in lieu thereof, to be known as sections 337.010, 337.020, 337.021, 337.025, 337.029, 337.033 and 337.045, to read as follows:

337.010. As used in sections 337.010 to 337.090 the following terms mean:

- (1) "Committee", the state committee of psychologists;
- (2) "Department", the department of economic development;
- (3) "Division", the division of professional registration within the department of economic development;
- (4) "**Licensed psychologist**", any person who offers to render psychological services to individuals, groups, organizations, institutions, corporations, schools, government agencies or the general public for a fee, monetary or otherwise, implying that such person is trained, experienced and licensed to practice psychology and who holds a current and valid, whether temporary, provisional or permanent, license in this state to practice psychology;
- (5) "**Provisional licensed psychologist**", any person who is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, and who otherwise meets all requirements to become a licensed psychologist except for passage of the licensing exams, oral examination and completion of the required period of postdegree supervised experience as specified in subsection 2 of section 337.025;
- (6) "Recognized educational institution":
 - (a) A school, college, university or other institution of higher learning in the United States, which, at the time the applicant was enrolled and graduated, had a graduate program in psychology and was accredited by one of the regional accrediting associations approved by the Council on Postsecondary Accreditation; or

EXPLANATION—Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

(b) A school, college, university or other institution of higher learning outside the United States, which, at the time the applicant was enrolled and graduated, had a graduate program in psychology and maintained a standard of training substantially equivalent to the standards of training of those programs accredited by one of the regional accrediting associations approved by the Council of Postsecondary Accreditation[.];

(7) "Temporary license", a license which is issued to a person licensed as a psychologist in another jurisdiction, who has applied for licensure in this state either by reciprocity or endorsement of the score from the Examination for Professional Practice in Psychology, and who is awaiting either a final determination by the committee relative to such person's eligibility for licensure or who is awaiting the results of the jurisprudence examination or oral examination.

337.020. 1. Each person desiring to obtain a license, **whether temporary, provisional or permanent**, as a psychologist shall make application to the committee upon such forms and in such manner as may be prescribed by the committee and shall pay the required application fee. The application fee shall not be refundable. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration.

2. Each applicant, **whether for temporary, provisional or permanent licensure**, shall submit evidence satisfactory to the committee that the applicant is at least twenty-one years of age, is of good moral character, and meets the appropriate educational [and supervised training] requirements as set forth in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant to section 337.029. In determining the acceptability of the applicant's qualifications, the committee may require evidence that it deems reasonable and proper, in accordance with law, and the applicant shall furnish the evidence in the manner required by the committee.

3. The committee with assistance from the division shall **issue a permanent license to** and register as a psychologist any applicant who, in addition to having fulfilled the other requirements of sections 337.010 to 337.090, passes the Examination for Professional Practice in Psychology [or] **and** such other [examination] **examinations** in psychology which may be adopted by the committee, except that an applicant fulfilling the requirement of section 337.029 shall [be licensed without examination] **upon successful completion of the jurisprudence examination and completion of the oral examination be permanently licensed without having to retake the Examination for Professional Practice in Psychology.**

4. **The committee, with assistance from the division, shall issue a provisional license to, and register as being a provisionally licensed psychologist, any applicant who is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, and who otherwise meets all requirements to become a licensed psychologist, except for passage of the national and state licensing exams, oral examination and completion of the required period of postdegree supervised experience as specified in subsection 2 of section 337.025.**

5. **A provisional license issued pursuant to subsection 4 of this section shall only authorize and permit the applicant to render those psychological services which are under the supervision and the full professional responsibility and control of such person's postdoctoral degree licensed supervisor. A provisional license shall automatically terminate upon issuance of a permanent license, upon a finding of cause to discipline after notice and hearing pursuant**

to section 337.035, upon the expiration of one year from the date of issuance whichever event first occurs, or upon termination of supervision by the licensed supervisor. The provisional license may be renewed after one year with a maximum issuance of two years total per provisional licensee. The committee by rule shall provide procedures for exceptions and variances from the requirement of a maximum issuance of two years due to vacations, illness, pregnancy and other good causes.

6. The committee, with assistance from the division, shall immediately issue a temporary license to any applicant for licensure either by reciprocity pursuant to section 337.029, or by endorsement of the score from the Examination for Professional Practice in Psychology upon receipt of an application for such licensure and upon proof that the applicant is either licensed as a psychologist in another jurisdiction, is a diplomate of the American Board of Professional Psychology, or is a member of the National Register of Health Services Providers in Psychology.

7. A temporary license issued pursuant to subsection 6 of this section shall authorize the applicant to practice psychology in this state, the same as if a permanent license had been issued. Such temporary license shall be issued without payment of an additional fee and shall remain in full force and effect until the earlier of the following events:

(1) A permanent license has been issued to the applicant following successful completion of the jurisprudence examination and the oral interview;

(2) In cases where the committee has found the applicant ineligible for licensure and no appeal has been taken to the administrative hearing commission, then at the expiration of such appeal time; or

(3) In cases where the committee has found the applicant ineligible for licensure and the applicant has taken an appeal to the administrative hearing commission and the administrative hearing commission has also found the applicant ineligible, then upon the rendition by the administrative hearing commission of its findings of fact and conclusions of law to such effect.

8. Written and oral examinations pursuant to sections 337.010 to 337.090 shall be administered by the committee at least twice each year to [those applicants who meet the other requirements for licensure] **any applicant who meets the educational requirements set forth in either section 337.021 or 337.025 or to any applicant who is seeking licensure either by reciprocity pursuant to section 337.029, or by endorsement of the Examination of Professional Practice in Psychology.** The committee shall examine in the areas of professional knowledge, techniques and applications, research and its interpretation, professional affairs, ethics, and Missouri law and regulations governing the practice of psychology. The committee may use, in whole or in part, the Examination for Professional Practice in Psychology national examination in psychology or such other national examination in psychology which may be available.

[5.] 9. If an applicant fails any examination, the applicant shall be permitted to take a subsequent examination, upon the payment of an additional reexamination fee. This reexamination fee shall not be refundable.

337.021. 1. The provisions of this section shall govern, except as provided in subsection 3 of this section, the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has completed a graduate program which is primarily psychological in nature prior to August 28, 1990; or

(2) A person who is matriculated in a graduate program which is primarily psychological in nature prior to August 28, 1990; provided that, such person who does not complete all requirements for initial licensure prior to August 28, 1996, except as provided in [subsection 5] **subsections 5 and 6** of this section, shall be governed by the licensure requirements of section 337.025.

2. Each applicant shall submit evidence satisfactory to the committee that the applicant either:

(1) Has received a doctoral degree, based upon a program of studies from a recognized educational institution the contents of which were primarily psychological, as defined by rule, and who has had at least one year of satisfactory supervised professional experience in the general field of psychology, as defined by rule; or

(2) Received a master's degree, based upon a program of studies from a recognized educational institution the contents of which were primarily psychological, as defined by rule, and who has had at least three years of satisfactory professional experience in the general field of psychology, as defined by rule.

3. Notwithstanding the provisions of subsection 1 of this section, an applicant who has received a doctoral degree from a graduate program which is primarily psychological in nature prior to August 28, 1990, may elect at the applicant's option to have the applicant's application and licensure evaluated pursuant to the provisions of either section 337.021 or 337.025.

4. The rules referred to in subsection 2 of this section shall be those rules as previously promulgated by the department pursuant to the provisions of sections 337.020 and 337.050 as were in force and effect on August 28, 1989.

5. Notwithstanding any provision of section 337.025 or this section to the contrary, any person who qualifies for initial licensure pursuant to subdivision (2) of subsection 2 of this section that has taken the Missouri licensing examination but has not received a passing score on the licensing examination before August 28, 1996, shall be allowed the same amount of attempts, within the same allotted time, to pass such examination as a person who meets the requirements for **initial** licensure pursuant to subdivision (1) of subsection 2 of this section.

6. As used in sections 337.010 to 337.090, initial licensure refers only to the educational and experience requirements set forth in subsection 2 of this section, such that initial licensure shall not include passage of any examination given for the purposes of full licensure under section 337.020.

337.025. 1. The provisions of this section shall govern the education and experience requirements for initial licensure as a psychologist for the following persons:

(1) A person who has not matriculated in a graduate degree program which is primarily psychological in nature on or before August 28, 1990; and

(2) A person who is matriculated after August 28, 1990, in a graduate degree program designed to train professional psychologists.

2. Each applicant shall submit satisfactory evidence to the committee that **[he] the applicant** has received a doctoral degree in psychology from a recognized educational institution, and has had at least one year of satisfactory supervised professional experience in the field of psychology.

3. A doctoral degree in psychology is defined as:

(1) A program accredited, or provisionally accredited, by the American Psychological Association; or

(2) A program designated or approved, including provisional approval, by the American Association of State Psychology Boards or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A graduate program that meets all of the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

(b) The psychology program shall stand as a recognizable, coherent organizational entity within the institution of higher education;

(c) There shall be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

(d) The program shall be an integrated, organized, sequence of study;

(e) There shall be an identifiable psychology faculty and a psychologist responsible for the program;

(f) The program shall have an identifiable body of students who are matriculated in that program for a degree;

(g) The program shall include a supervised practicum, internship, field, or laboratory training appropriate to the practice of psychology;

(h) The curriculum shall encompass a minimum of three academic years of full-time graduate study, with a minimum of one year's residency at the educational institution granting the doctoral degree; and

(i) Require the completion by the applicant of a core program in psychology which shall be met by the completion and award of at least one three-semester-hour graduate credit course or a combination of graduate credit courses totaling three semester hours or five quarter hours in each of the following areas:

a. The biological bases of behavior such as courses in: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

b. The cognitive-affective bases of behavior such as courses in: learning, thinking, motivation, emotion, and cognitive psychology;

c. The social bases of behavior such as courses in: social psychology, group processes/dynamics, interpersonal relationships, and organizational and systems theory;

d. Individual differences such as courses in: personality theory, human development, abnormal psychology, developmental psychology, child psychology, adolescent psychology, psychology of aging, and theories of personality;

e. The scientific methods and procedures of understanding, predicting and influencing human behavior such as courses in: statistics, experimental design, psychometrics, individual testing, group testing, and research design and methodology.

4. Acceptable supervised professional experience shall consist of a minimum of fifteen hundred hours of professional experience obtained in not less than twelve nor more than twenty-four consecutive calendar months. In no case shall this experience be accumulated at a rate of less than twenty hours per week nor more than fifty hours per week. Postdoctoral supervised professional experience for prospective health service providers shall involve and relate to the delivery of psychological health services. Postdoctoral supervised professional experience for other applicants shall be in accordance with professional requirements and relevant to the applicant's intended area of practice.

5. Postdoctoral experience for [health service providers, either clinical or counseling psychologists,] **those applicants who intend to seek health service provider certification and who have completed a program in one or more of the American Psychological Association designated health service provider delivery areas** shall be obtained under the **primary** supervision

of a licensed psychologist who is also a health service provider **or who otherwise meets the requirements for health service provider certification.** Postdoctoral experience for [nonhealth service providers, who are not clinical or counseling psychologists,] **those applicants who do not intend to seek health service provider certification** shall be obtained under the **primary** supervision of a licensed psychologist[, or a person approved by the graduate degree program from which the applicant received his doctoral degree], or [a person] **such other qualified mental health professional** approved by the committee.

6. The psychological activities of the applicant shall be performed pursuant to the **primary** supervisor's order, control, and full professional responsibility. The **primary** supervisor shall maintain a continuing relationship with the applicant and shall meet with the applicant a minimum of one hour per [week] **month** in face to face individual supervision. **Clinical supervision may be delegated by the primary supervisor to one or more secondary supervisor who is a qualified psychologist. The secondary supervisor shall retain order, control and full professional responsibility for the applicant's clinical work under their supervision and shall meet with the applicant a minimum of one hour per week in face-to-face individual supervision. If the primary supervisor is also the clinical supervisor, meetings shall be a minimum of one hour per week.** Group supervision shall not be acceptable for supervised professional experience. The **primary** supervisor shall certify to the committee that the applicant has complied with these requirements and that the applicant has demonstrated ethical and competent practice of psychology. **The changing by an agency of the primary supervisor during the course of the supervised experience shall not invalidate the supervised experience.**

7. The committee by rule shall provide procedures for exceptions and variances from the requirements for once a week face-to-face supervision due to vacations, illness, pregnancy, and other good causes.

337.029. 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided [he] **the psychologist** passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

- (1) [He] Is a [diplomat] **diplomate** of the American Board of Professional Psychology;
- (2) [He] Is a member of the National Register of Health Service Providers in Psychology;
- (3) **Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;**

[(3) He] (4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia whose [current] requirements [are substantially equal to or greater than the requirements for licensure as a psychologist in the state of Missouri at the time the application is filed] **for licensure at the time the applicant was licensed were substantially equal to or greater than this state's requirements were for licensure at such time;** or

[(4) He] (5) Is currently licensed or certified as a psychologist in a state, territory of the United States, or the District of Columbia that extends like privileges for reciprocal licensing or certification to persons licensed by this state with similar qualifications.

2. Notwithstanding the [above] **provisions of subsection 1 of this section,** applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed [above] will be eligible for health service provider

certification after providing documentation acceptable to the committee of relevant education, training, and experience in the delivery of psychological health services.] **in subsection 1 of this section or by endorsement of the score from the Examination of Professional Practice in Psychology score will also be eligible for and shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:**

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;

(2) Is a member of the National Register of Health Service Providers in Psychology; or

(3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

337.033. 1. A licensed psychologist shall limit his **or her** practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. A psychologist trained in one area shall not practice in another area without obtaining additional relevant professional education, training, and experience through an acceptable program of respecialization.

2. A psychologist may not represent or hold himself **or herself** out as a **state certified or registered** psychological health service provider unless the psychologist has first received the psychologist health service provider certification from the committee; provided, however, nothing in this section shall be construed to limit or prevent a licensed, **whether temporary, provisional or permanent**, psychologist who does not hold a health service provider certificate from providing psychological services so long as such services are consistent with subsection 1 of this section.

3. "Relevant professional education and training" for health service provider certification, except those entitled to certification pursuant to subsection 5 **or 6** of this section, shall be defined as a licensed psychologist whose [doctoral degree was in clinical or counseling psychology or a licensed psychologist who subsequent to receipt of his doctoral degree has successfully completed a recognized respecialization program in either clinical or counseling psychology from a recognized educational institution and who in addition has completed at least one year of postdoctoral supervised experience under the supervision of a licensed psychologist who is also a health service provider.] **graduate psychology degree from a recognized educational institution is in an area designated by the American Psychological Association as pertaining to health service delivery or a psychologist who subsequent to receipt of his or her graduate degree in psychology has either completed a respecialization program from a recognized educational institution in one or more of the American Psychological Association recognized clinical health service provider areas and who in addition has completed at least one year of postdegree supervised experience in such clinical area or a psychologist who has obtained comparable education and training acceptable to the committee through completion of postdoctoral fellowships or otherwise.**

4. The degree or respecialization program certificate shall be obtained from a recognized program of graduate study in [clinical or counseling psychology] **one or more of the health service delivery areas designated by the American Psychological Association as pertaining to health service delivery**, which shall meet one of the criteria established by subdivisions (1) to (3) of this subsection:

(1) A [clinical or counseling psychology doctoral degree program or respecialization program] **doctoral degree or completion of a recognized respecialization program in one or more of the American Psychological Association designated health service provider delivery**

areas which is accredited, or provisionally accredited, by the American Psychological Association; or

(2) A clinical or counseling psychology doctoral degree program or respecialization program designated, or provisionally approved, by the [American Association of State Psychology Boards] **Association of State and Provincial Psychology Boards** or the Council for the National Register of Health Service Providers in Psychology, or both; or

(3) A [clinical or counseling psychology degree or respecialization program] **doctoral degree or completion of a respecialization program in one or more of the American Psychological Association designated health service provider delivery areas** that meets the following criteria:

(a) The program, wherever it may be administratively housed, shall be clearly identified and labeled as [a clinical or counseling psychology program] **being in one or more of the American Psychological Association designated health service provider delivery areas;**

(b) Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists in [the areas of either clinical or counseling psychology] **one or more of the American Psychological Association designated health service provider delivery areas.**

5. A person who is lawfully licensed as a psychologist pursuant to the provisions of this chapter on August 28, 1989, or who has been approved to sit for examination prior to August 28, 1989, and who subsequently passes the examination shall be deemed to have met all requirements for health service provider certification; provided, however, that such person shall be governed by the provisions of subsection 1 of this section with respect to limitation of practice.

6. Any person who is lawfully licensed as a psychologist in this state and who meets one or more of the following criteria shall automatically, upon payment of the requisite fee, be entitled to receive a health service provider certification from the committee:

(1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery; or

(2) Is a member of the National Register of Health Service Providers in Psychology.

337.045. Nothing in sections 337.010 to 337.090 shall in any way limit:

(1) Qualified members of other professional groups such as teachers, clergymen, practitioners of medicine, practitioners of chiropractic, practitioners of optometry, licensed professional counselors, attorneys, licensed clinical social workers, **licensed marriage and family therapists**, vocational counselors, vocational rehabilitation counselors, nurses, or duly accredited Christian Science practitioners from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions; or

(2) The activities, services, or use of official title on the part of any person in the employ of a governmental agency, or of a duly chartered educational institution, or of a corporation primarily engaged in research, insofar as such activities or services are part of the duties of his **or her** employment, except that any person hired after August 28, 1996, shall be in the process of **either** meeting the [required hours of supervised professional experience] **requirements to become licensed, including pursuant to a doctoral degree in psychology or the supervised professional experience requirements** or shall be a licensed psychologist; or

(3) Other persons from engaging in activities defined as the practice of psychology, provided that such persons shall not represent themselves by the title "psychologist". Such persons may use the terms "psychological trainee", "psychological intern", "psychological resident", and "psychological

assistant" and provided further that such persons perform their activities under the supervision and responsibility of a licensed psychologist in accordance with regulations promulgated by the committee. Nothing in this subsection shall be construed to apply to any person other than:

(a) A matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at a recognized educational institution;

(b) An individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure [under] **pursuant to** the provisions of sections 337.010 to 337.090;

(c) A qualified assistant, **including but not limited to, other licensed professionals** employed by, or otherwise directly accountable to, a licensed psychologist; or

(4) The use of psychological techniques by government institutions, commercial organizations or individuals for employment, evaluation, promotion or job adjustment of their own employees or employee-applicants, or by employment agencies for evaluation of their own clients prior to recommendation for employment; provided that no government institution, commercial organization or individual shall sell or offer these services to the public or to other firms, organizations or individuals for remuneration, unless the services are performed or supervised by a person licensed and registered [under] **pursuant to** sections 337.010 to 337.090; or

(5) The practice of psychology in the state of Missouri for a temporary period [as hereinafter provided] by a person who resides outside the state of Missouri, and who is licensed or certified to practice psychology in another state and conducts the major part of his **or her** practice outside the state. The temporary period shall not exceed ten consecutive business days in any period of ninety days, nor in the aggregate exceed fifteen business days in any nine-month period; or

(6) The provision of expert testimony by psychologists or other persons who are otherwise exempted by sections 337.010 to 337.090; or

(7) The teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultations to organizations or institutions, provided that such teaching, research, or service does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals; or

(8) School psychologists certified under the program standards of the National Association of School Psychologists who are employed in a duly accredited school so long as the individual is performing services within the scope of his **or her** employment for such school and within the scope of his **or her** education, training and experience; or

(9) Psychotherapy activities or services performed by an individual with a doctoral degree in anthropology; provided that [said] **such** degree was received on or prior to December 31, 1989, and which was from an educational institution accredited by one of the regional accrediting associations approved by the council on postsecondary accreditation; and provided further that [said] **such** individual has completed at least twenty-four months of supervised clinical experience in psychotherapy under the supervision of a physician[; or

(10) A social worker who has a master's or a doctorate degree from a college or university program of social work accredited by the council on social work education and who has twenty-four months of supervised clinical experience].